

REMARKS

At the issuance of the Office Action, claims 1-8 and 26-29 are pending in the application with the Office presenting rejections on various grounds for each of these claims. The applicants submit that the above-presented amendments to the claims, along with the following arguments, address each and every issue raised by the Office or renders such issues as moot. Further, the applicants submit that the claims as presented herein are allowable.

Claim Rejections – 35 USC § 112

The Office has rejected claim 3 under 35 U.S.C 112. The Office states that claim 3 contains subject matter that is not described in the specification. Specifically, The Office states that there is no support that “providing an over the counter (OTC) prescription” depends on “the foreign country’s requirement”. The applicant respectfully disagrees with the Office’s position. The specification clearly identifies that a prescription for OTC and RX drugs can be provided in a language appropriate for the country in which the traveler is located. [see paragraph 0044]

However, the applicant has amended claim 3 by replacing “the foreign country requirements” with “available in the foreign country”. Support for the amendment can be found in paragraph 0018: “The medical staff in the call center may respond to the communication with the traveling subscriber by offering a prescription in the local language for a medication or by identifying an appropriate over the counter medication. This advantageously simplifies the interaction of the traveler with a pharmacist in the foreign country.” Further support is found in paragraph 0044 which states “the prescription can provide the name of popular medications within the country in which the traveler is located”. Thus, the applicant submits that claim 3 is allowable.

In addition, the applicant has amended the specification to include the language that was presented originally in claim 3 upon the filing of the application.

The applicant submits that this is not new matter as it was included in the original claims which forms a part of the overall specification.

Claim Rejections – 35 USC § 102

The Office has rejected claims 1 and 4 as being anticipated by United States Patent Application Publication 2003/0013438 (Darby).

Darby describes a Pocket Concierge method and system comprising a call center, a communications network, and a multimedia wireless terminal for use by a person that is not affluent in the language of a visited locale. Darby also mentions several times that the Pocket Concierge may be applicable for medical related applications, however, Darby does not specifically disclose any embodiments, features, aspects or elements related to the use of the Pocket Concierge in a medical application or the provision of medical services as recited in claims 1 and 4.

More specifically, with regards to claim 1, the Office alleges that Darby discloses the element of “displaying one or more selection buttons on a display of the client system, each selection button being associated with at least one type of medical assistance” and “delivering the medical assistance associated with the selected button”. The Office relies on paragraphs 0021, 0042 (lines 14-33), 0047 (lines 6-17) and 0061 (lines 13-25). The applicant respectfully submits that the presented references, similar to the entire Darby reference, does not describe this claim element.

Paragraph 0021 of Darby simply describes a user interface of a Pocket Computer that can include a touch sensitive LCD panel with a soft keyboard, handwriting recognition and optional voice recognition (as well as other input means). Paragraph 0042 describes an embodiment of the Pocket Concierge for use in the travel industry. In this embodiment, a user can place a call to a call center and receive instructions in that user’s native language. The call center is described as being a human operator or even a software agent. Further, paragraph 0042 as well as 0047 describes the provision of information or instructions to the use. In paragraph 0047, the instructions are described as being presented in the user’s language as well as the local language.

Paragraph 0061 describes further embodiments, one such embodiment including video conferencing. In the example, Darby simply mentions that video conferencing is beneficial in telemedicine applications or in providing emergency medical services.

What is lacking in these passages and in Darby as a whole, is a device that is focused only on providing medical assistance. It should be noted that this is not the provision of a videoconferencing function that can be used by medical personnel, but rather a dedicated device that presents one or more selection buttons, with each button being associated with at least one type of medical assistance. This medical assistance is provisioned from a server in response to a user selecting one of the selection buttons. The medical assistance that is delivered from the server is associated with the selected button.

By interpreting Darby as liberal as possible, all it discloses is a user interface in which a call can be placed to a human or software agent, and then, information can be provided to that human or software agent in the form of a request for other information. Thus, Darby does not disclose a button that is associated with at least one type of medical assistance, and that when pressed or selected, results in the provision of medical assistance associated with the button.

Thus, the applicant respectfully submits that claim 1, as presented, is allowable over Darby.

With regards to claim 4, this claim depends from allowable claim 1 and as such, is also allowable.

Claim Rejections – 35 USC § 103

The Office has rejected claims 2 and 3 as being unpatentable over US 2003/0013438 (Darby). The Office has also rejected claims 5-7 as being unpatentable over US 2003/0013438 (Darby) in view of US Patent Application Publication 2004/0140898 (Reeves). The Office has further rejected claim 8 as being unpatentable over US 2003/0013438 (Darby) in view of US Patent 4803625 (Fu).

With regards to claims 2-8, the applicant submits that these claims are dependent from the allowable claim 1 and are thus allowable themselves. Such action is respectfully requested of the Office.

With specific regards to claim 2, the Office concedes that Darby does not disclose the element of “delivering the medical assistance” by selecting from a group consisting of:

- providing information on medical services in the foreign country,
- translating a prescription to the foreign language,
- translating medical information of the traveler into the foreign language,
- delivering a medical referral in the foreign language,
- providing online medical consulting in a preferred language of the traveler,
- and
- providing online drug consultation in a preferred language of the traveler.

However, the Office then attempts to argue that Darby could be used to obtain and deliver medical information to a traveler in a foreign or local language in a foreign country without undue experimentation or risk of unexpected results.

The applicant respectfully disagrees. Darby in essence, is no more similar to the present invention than a telephone or a mobile telephone. While a mobile telephone can be used to transmit vital statistics of a person being treated by emergency personnel at the scene of an accident, as can Darby, that is not what is recited and claimed. As previously mentioned, claim 1 and 4 recited buttons that are specifically associated with medical assistance and, as more precisely recited in claim 4, selection of one of the buttons results in the provision of assistance selected from the listed medical assistance services. The Darby reference only discloses that the Pocket Concierge CAN be used by medical personnel, it does not describe how or in what ways other than that the medical personnel can send the vitals of a person to someone else. This does not equate to (a) providing information on medical services in the foreign country, (b) translating a prescription to the foreign language, (c) translating medical information of the traveler into the foreign language, (d) delivering a medical referral in the foreign language, (e) providing online medical consulting in a preferred language of the traveler, and (f) providing online drug consultation in a preferred language of the traveler.

Similarly, with regards to claim 3, Darby does not disclose a type of medical assistance that includes providing an over the counter (OTC) prescription available in the foreign country.

With regards to claim 5, Reeves does not teach the use of a URL. Reeves teaches that the “bodily worn or hand held device” “can also be linked to the Internet via a serial number code” where “a serial number is inputted into a central website via access to the Internet through either the base unit 24 or field unit 25, the user records are accessible via this Internet link without having to use the interface wand to retrieve the records from within the bodily device.” It is evident that Reeves assumes that the Internet link is known to the user who only needs the patient’s access code to retrieve only the patient’s personal information from the central website. Claim 5 states that the life saving article identifies the emergency medical information that is related to the traveler by providing a URL for its server.

The Office has rejected claims 26-29 on the same rationale as claims 1, 4, 5, 6, and 8. The applicant submits that the same arguments presented above support the allowance of claims 26-29. However, the applicant has amended claim 26 to include a further limitation. As such, the applicant submits that claim 26, as well as the dependent claims 27-29 are allowable. Such action is respectfully requested of the Office.

The applicant has added new claim 30 by adding the use of medical oriented databases such as a medical services and clinics database 220, a prescription database 240, a sickness database and a referral database 250, support for which can be found in paragraphs 46, 48, 50, and 51.

Reeves teaches the use of a database for a medical application but Reeves database is used solely to keep patient’s records. Fu teaches the use of a database examination routine only to analyze patient information. Thus it is evident that neither of the prior art teaches or even hints to the use of medical databases as stated by the amended claim 26 as well as new claim 30.

Thus, the applicant submits that the claim 30 is allowable over the cited art.

Conclusion

In view of the above-presented arguments, the applicants respectfully submit that Claims 1-8 and 26-30 are not anticipated by, or unpatentable over, the cited art and are, therefore, allowable.

All of the issues raised by the Examiner have been dealt with. In view of the foregoing, it is submitted that all the claims now pending in the application are allowable over the cited reference. An early Notice of Allowance is therefore respectfully requested.

Respectfully submitted,

/Gregory Scott Smith/

By: Gregory Scott Smith

Smith Frohwein Tempel Greenlee Blaha, LLC

Two Ravinia Drive, Suite 700

Atlanta, GA 30346

(404) 643 3430